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The City of New York Law Department
Attn: ACC Curt Beck
Office of the Corporation Counsel
100 Church Street, Fl 4
New York, NY 10007
By Fax and email: 212-788-9776

May 25, 2012

Re: Dominique Walker v. City of New York et al. 12cv385 (CBA)(LB)

Dear ACC Beck -

Pursuant to Rule 68(a) of the federal rules, plaintiff hereby notices defendants that she accepts the Rule 68 Offer of Judgment of \$1,501, made on May 23, 2012 at 5:59 PM.

Attached are the fees and costs incurred by plaintiff in this matter.

Sincerely,



Leo Glickman

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
DOMINIQUE WALKER,

12-CV-385 (CBA)(LB)

Plaintiffs,

-against-

THE CITY OF NEW YORK, ET AL.

**ORDER OF SETTLEMENT
AND DISMISSAL OF
ACTION**

Defendants.

----- X ECF CASE

WHEREAS, plaintiff Dominique Walker commenced this action by filing a complaint on or about January 26, 2012; and

WHEREAS, defendants served plaintiff with a Rule 68 Offer of Judgment on May 23, 2012 in the amount of \$1,501, attached herewith; and

WHEREAS, plaintiff accepted defendants' Rule 68 Offer of Judgment on May 25, 2012, acceptance attached herewith.

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The claims in the above-referenced action asserted by plaintiff are hereby dismissed pursuant to Rule 68 of the Federal Rules of Civil Procedure and;

2. Defendants are obligated to pay plaintiff pursuant to the terms of the Rule 68 Offer of Judgment made by defendants to plaintiff made on May 23, 2012, to wit, \$1,501 plus fees and costs incurred up to the time the Rule 68 Offer was made.

SO ORDERED:

CAROL BAGLEY AMON, U.S.D.J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
DOMINIQUE WALKER,

Plaintiff,

2012 CV 0385 (CBA)(LB)

-against-

THE CITY OF NEW YORK, POLICE OFFICER AARON
JOHNSON BADGE #2446, DETECTIVE MATHEW
REGINA, BADGE #2389, DETECTIVE LOUIS
GUBITOSI, BADGE #2356, [and] SERGEANT
KENNETH TYSDALE, BADGE # 3827,

RULE 68
OFFER OF JUDGMENT

Defendants.
----- X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant City of New York hereby offers to allow plaintiff Dominique Walker to take a judgment against it in this action for the total sum of \$1,501.00, plus reasonable attorneys' fees, expenses and costs to the date of this offer for plaintiff's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants City of New York, NYPD P.O. Aaron Johnson, NYPD Detective Matthew Regina, NYPD Detective Louis Gubitosi, and NYPD Sergeant Kenneth Tysdale, or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted up to and including June 7, 2012.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by any defendant, or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants City of New York, NYPD P.O. Aaron Johnson, NYPD Detective Matthew Regina, NYPD Detective Louis Gubitosi, and NYPD Sergeant Kenneth Tysdale; their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff in the above-referenced action.

Acceptance of this offer of judgment also will operate to waive plaintiff's rights to any claim for interest on the amount of the judgment.

Plaintiff agrees that payment of \$1,501.00 within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide payment in full or in part. If plaintiff is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date plaintiff submits to Counsel for Defendants a final demand letter from Medicare.

By acceptance of this Rule 68 Offer of Judgment, plaintiff agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. §1395y(b) and

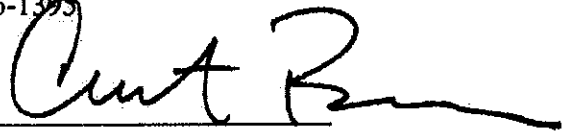
42 C.F.R. §§411.22 through 411.26. Plaintiff further agrees to hold harmless defendants, regarding any past and/or future Medicare payments, presently known or unknown made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York
May 23, 2012

MICHAEL A. CARDOZO
Corporation Counsel, City of New York
Attorney for Defendants
100 Church Street, Third Floor
New York, New York 10007
(212) 676-1393

By:


CURT P. BECK
Special Assistant Corporation Counsel
Special Federal Litigation Division

To: Leo Glickman, Esq.
(by email)